REMARKS

Request for Interview

As explicitly requested in the Amendment filed July 6, 2009 and further requested herein, Applicant respectfully requests an interview for expediting prosecution of this case, prior to further Examination thereof. Since a grant of an interview after a Non-Final Action is as a matter of Applicant's rights, Applicant respectfully asserts that the refusal to grant an interview despite Applicant's explicit request, and the Finality of the outstanding Office Action is improper as Applicant has not been afforded an opportunity to argue its position or amend the claims (if needed) appropriately per an interview. Applicant therefore requests allowance of this case per the remarks presented herein, or withdrawal of the Finality of the outstanding Office Action to afford Applicant an opportunity to file an appropriate response and amendments (if needed) per an interview. Applicant's Representative may be reached at (202) 906-8696.

Summary of the Office Action

In the Office Action, claims 1, 2, 7, 10, 20, 22-24, 27, 31-33, 36 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,326,570 to *Fridley* in view of U.S. Patent No. 5,065,566 to *Gates*.

Claims 5, 26 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fridley* and *Gates* and further in view of U.S. Patent No. 6,722,284 to *Gustafson*.

Claims 3, 16, 18, 19, 25 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fridley* in view of U.S. Patent No. 5,167,108 to *Bird*.

Summary of the Response to the Office Action

Based on the arguments presented below, claims 1-3, 5, 7, 10, 16, 18-20, 22-27 and 31-37 (claims 4, 6, 8, 9, 11-15, 17, 21 and 28-30 being canceled) are pending for further consideration and are believed to be in condition for allowance.

Independent Claim 1

With regard to independent claim 1, Applicant respectfully asserts that *Fridley*, *Gates*, *Gustafson*, and *Bird* viewed either singly or in combination, fail to teach or fairly suggest, *inter alia*, a trimming system for a user-operated ground vehicle capable of performing mowing and trimming operations, the system including, "drive means operatively coupled to a drive system of the vehicle having said trimming system mounted thereon; a trimming unit operatively coupled to said drive means for performing edge trimming operations, and a guide wheel mounted to a vehicle frame adjacent said trimming unit for maintaining said trimming unit at a predetermined distance from a stationary object during performance of said edge trimming operations, said guide wheel being mounted on a resiliently biased bracket dimensioned to materially deflect, said bracket being fixedly mounted to the vehicle frame and resiliently biased by a spring mounted between the vehicle frame and said bracket for allowing material and spring biased deflection of said bracket by a predetermined distance under the bias of said spring relative to said trimming unit and the vehicle frame upon contact of said guide wheel with the stationary object, wherein said trimming unit including a spindle having at least one trimming wire for enabling performance of said edge trimming operations during rotation of said spindle, said spindle being coupled to said trimming unit by a threaded shaft to enable height adjustment of said spindle by rotation of said spindle relative to said shaft."

Support for these features recited in claim 1 can be found at least in paragraphs 10-15 and 26-43 of the originally filed specification, and in Figs. 1-3 of the originally filed drawings. Specifically, as shown in Figs. 1-3, the present invention provides a trimming system 16 for a user-operated ground vehicle 12 capable of performing mowing and trimming operations. The system may include a drive means operatively coupled to a drive system of the vehicle having the trimming system mounted thereon. The system may further include a trimming unit 46 operatively coupled to the drive means for performing edge trimming operations. As clearly illustrated in Fig. 1, a guide wheel 74 is mounted to a vehicle frame 18 adjacent trimming unit 46 for maintaining the trimming unit at a predetermined distance from a stationary object 76 during performance of edge trimming operations. Guide wheel

74 is mounted on a resiliently biased bracket 78 dimensioned to materially deflect, which as illustrated in Fig. 1, is fixedly mounted to the vehicle frame and resiliently biased by torsion spring 90 mounted between the vehicle frame and the bracket for allowing material and spring biased deflection of the bracket by a predetermined distance under bias of the spring relative to the trimming unit and the vehicle frame upon contact of the guide wheel with the stationary object. The trimming unit includes a spindle 64 having at least one trimming wire 62 for enabling performance of said edge trimming operations during rotation of the spindle, with the spindle being coupled to the trimming unit by a threaded shaft to enable height adjustment of the spindle by rotation of the spindle relative to the shaft.

With regard to independent claim 1, the Office Action asserts that *Fridley*, *Gates*, *Gustafson* and *Bird* teach or suggest the trimming system as recited in the claims.

With regard to *Fridley*, the Office Action indicates *Fridley* discloses:

> a guide wheel (15) mounted to a vehicle frame (1) adjacent said trimming unit (27) for maintaining said trimming unit at a predetermined lateral distance from a stationary object (30) during performance of said edge trimming operations, said guide wheel (15) being mounted on a resiliently biased bracket (6) dimensioned to materially deflect, said bracket (6) being fixedly mounted (at 7) to the vehicle frame (1) and resiliently biased by a spring (8) mounted between the vehicle frame (1) and said bracket (6) for allowing material and spring biased deflection (see column 5, lines 34-50) of said bracket (6) by a predetermined distance under the bias of said spring relative to said trimming unit (27) and the vehicle frame (1) upon contact of said guide wheel (15) with the stationary object (15);

Applicant respectfully asserts the above holding is based on an inaccurate interpretation of *Fridley*.

Specifically, as shown in Figs. 3 and 4 of *Fridley*, support arm 6 is pivotally mounted to the vehicle frame by pivot pin 7 for deflecting as shown. Thus contrary to independent claim 1 which recites "said guide wheel being mounted on a resiliently biased bracket dimensioned to materially deflect, said bracket being fixedly mounted

to the vehicle frame," support arm 6 of *Fridley* is not "fixedly mounted" to the vehicle frame, but is instead pivotally mounted.

Further, whereas as shown in Figs. 3 and 4 of *Fridley*, support arm 6 deflects due to the pivoting action thereof, for the present invention, bracket 78 is dimensioned to materially deflect and further deflect under the bias of torsion spring 90. Thus, contrary to independent claim 1 which recites "said guide wheel being mounted on a resiliently biased bracket dimensioned to materially deflect, said bracket being fixedly mounted to the vehicle frame and resiliently biased by a spring mounted between the vehicle frame and said bracket for allowing material and spring biased deflection of said bracket by a predetermined distance," support arm 6 of *Fridley* is not "dimensioned to materially deflect" so as to attain "material and spring biased deflection," but is instead pivotally mounted and has no material deflection thereof.

In the outstanding November 9, 2009 Final Office Action, with regard to Applicant's arguments presented in the Amendment filed July 6, 2009, the Office Action indicates that:

> First, it is unclear how Fridley's bracket which is pivotably mounted to the vehicle frame is mounted any differently than that of the invention since the bracket of the invention is also mounted for pivotal movement relative to the vehicle frame. It appears that Fridley's bracket is fixedly mounted to the vehicle frame like that of the invention as it is permanently connected at a single point to the vehicle frame. Applicant fails to provide any structural limitations precluding Fridley's bracket.

In this regard, Applicant respectfully notes that as discussed above, contrary to independent claim 1 which recites "said guide wheel being mounted on a resiliently biased bracket dimensioned to materially deflect, said bracket being fixedly mounted to the vehicle frame," support arm 6 of *Fridley* is not "fixedly mounted" to the vehicle frame, but is instead pivotally mounted.

Per Applicant's request for an interview in the July 6, 2009 and in this Amendment, if needed, Applicant proposed to amend claim 1 to recite "said bracket

being non-pivotally mounted to the vehicle frame," for expediting prosecution of this case during a granted interview.

Secondly, in the outstanding November 9, 2009 Final Office Action, with regard to Applicant's arguments presented in the Amendment filed July 6, 2009, the Office Action further indicates that:

> Second, regarding the material and spring biased deflection of the bracket, Fridley's bracket swings relative to the vehicle frame in a materially and spring biased manner, as discussed in column 5, lines 34-50, Fridley's cylinder 8 acts as a spring. Again, the applicant has failed to provide any structural details precluding the Fridley reference. Applicant has merely claimed a vague function (deflection of the bracket in a materially and spring biased manner) without providing any details to the structure which would allow for this function.

As discussed above and as shown in Figs. 3 and 4 of *Fridley*, whereas support arm 6 deflects due to the pivoting action thereof, for the present invention, bracket 78 is dimensioned to materially deflect and further deflect under the bias of torsion spring 90. This limitation is clearly understandable to one of ordinary skill in the art in that similar to a spring which is dimensioned to deflect a predetermined amount, bracket 78 of the invention is dimensioned to materially deflect.

Further, contrary to the holding in the Office Action that this is a "vague function," Applicant respectfully disagrees in that as clearly shown in Fig. 1 and discussed in the specification, this deflection in fact allows for maintaining of the trimming unit at a predetermined distance from a stationary object 76 during performance of edge trimming operations, particularly upon contact of the guide wheel with the stationary object.

Gates, which has been cited as disclosing a threaded shaft for enabling height adjustment of the guide wheel or spindle, *Bird*, which has been cited for disclosing a drive system for selectively driving a mowing unit, and *Gustafson*, which has been cited as disclosing a nylon guide wheel as recited in dependent claim 5, nevertheless fail to overcome the aforementioned deficiencies in the teachings of *Fridley*.

As pointed out in M.P.E.P. § 2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the

prior art". *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). Since this criterion has not been met, Applicant respectfully asserts that the rejections under 35 U.S.C. § 103 (a) should be withdrawn because *Fridley*, *Gates*, *Gustafson*, and *Bird* do not teach or suggest each feature of independent claim 1.

In view of the above arguments, Applicant respectfully requests the rejection of independent claim 1 under 35 U.S.C. § 103 be withdrawn. Additionally, claims 2, 3, 5 and 20, which depend from independent claim 1, are allowable at least because their base claim is allowable, as well as for the additional features recited therein.

Independent claim 7

With regard to independent claim 7, Applicant respectfully asserts that *Fridley*, *Gates*, *Gustafson*, and *Bird*, viewed either singly or in combination, fail to teach or fairly suggest, *inter alia*, a trimming system for a user-operated ground vehicle capable of performing mowing and trimming operations, the system including, "drive means operatively coupled to a drive system of the vehicle having said trimming system mounted thereon; a trimming unit operatively coupled to said drive means for performing edge trimming operations, and a guide wheel mounted on a driven axle of said trimming unit for maintaining said trimming unit at a predetermined lateral distance from a stationary object during performance of said edge trimming operations, said guide wheel being mounted on the vehicle by a threaded shaft to enable height adjustment of said guide wheel by rotation of said guide wheel relative to said shaft."

Applicant respectfully asserts that independent claim 7 is allowable for at least the reasons presented above for the allowance of independent claim 1, and the additional features recited therein. In the interest of avoiding redundant arguments, the reasons for allowance of independent claim 7 are not repeated herein.

Further, as shown Fig. 5 of *Gates*, which has been cited as disclosing a threaded shaft for enabling height adjustment of the guide wheel or spindle, shoe 118 is adjustably mounted on stud 92 to provide axial height adjustment. Shoe 118 however does not provide any type of lateral guidance as provided by guide wheel 164 of the invention. Moreover, shoe 118 of *Gates* is also not modifiable to extend beyond the

trimming circumference of trimming lines 104 as doing so would defeat the purpose of trimming lines 104.

Independent claim 10

With regard to independent claim 10, Applicant respectfully asserts that *Fridley*, *Gates*, *Gustafson*, and *Bird*, viewed either singly or in combination, fail to teach or fairly suggest, *inter alia*, a trimming system for a user-operated ground vehicle capable of performing mowing and trimming operations, the system including, "drive means operatively coupled to a drive system of the vehicle having said trimming system mounted thereon; a trimming unit operatively coupled to said drive means for performing edge trimming operations, and a guide wheel mounted to a vehicle frame adjacent said trimming unit for maintaining said trimming unit at a predetermined distance from a stationary object during performance of said edge trimming operations, said guide wheel being mounted on a resiliently biased bracket dimensioned to materially deflect, said bracket being fixedly mounted to the vehicle frame and resiliently biased by a spring mounted between the vehicle frame and said bracket for allowing material and spring biased deflection of said bracket by a predetermined distance under the bias of said spring relative to said trimming unit and the vehicle frame upon contact of said guide wheel with the stationary object, wherein said trimming unit being coupled to the vehicle by a threaded shaft to enable height adjustment of said trimming unit by rotation of said trimming unit relative to said shaft."

Applicant respectfully asserts that independent claim 10 is allowable for at least the reasons presented above for the allowance of independent claim 1, and the additional features recited therein. In the interest of avoiding redundant arguments, the reasons for allowance of independent claim 10 are not repeated herein.

Independent claim 16

With regard to independent claim 16, Applicant respectfully asserts that *Fridley*, *Gates*, *Gustafson*, and *Bird*, viewed either singly or in combination, fail to teach or fairly suggest, *inter alia*, a mowing and trimming system including, "a drive unit including at least one drive and driven pulley, said drive pulley being operatively

coupled to said driven pulley to at least one of selectively and simultaneously drive a mowing unit for performing mowing operations and a trimming unit for performing edge trimming operations, and a guide wheel mounted on a driven axle of said trimming unit for maintaining said trimming unit at a predetermined lateral distance from a stationary object during performance of said edge trimming operations, wherein said guide wheel being mounted on a vehicle having said mowing and trimming system mounted thereon, said guide wheel being mounted by a threaded shaft to enable height adjustment of said guide wheel by rotation of said guide wheel relative to said shaft," as recited in independent claim 16.

Applicant respectfully asserts that independent claim 16 is allowable for at least the reasons presented above for the allowance of independent claim 1, and the additional features recited therein. In the interest of avoiding redundant arguments, the reasons for allowance of independent claim 16 are not repeated herein. Additionally, claims 18 and 19, which depend from independent claim 16, are allowable at least because their base claim is allowable, as well as for the additional features recited therein.

CONCLUSION

In view of the foregoing, Applicant respectfully requests the entry of this Amendment to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Applicant also requests the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 04-2223. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,
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